

Sexuality and Borders

Written by Rosie Walters

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ROSIE WALTERS, NOV 28 2023

This case study is an excerpt from McGlinchey, Stephen. 2022. *Foundations of International Relations* (London: Bloomsbury).

States in the Global North are often keen to proclaim their support for LGBTQ+ rights at an international level and to admonish those states that do not respect them. But, in some cases their treatment of LGBTQ+ migrants would suggest they have some way to go before they can live up to the ideals they espouse. Many governments place the so-called 'gay conditionality' on aid donations to states in the Global South, dictating that they must end bans on homosexuality and the persecution of LGBTQ+ people in order to receive aid. It is a move that resonates with colonial ideas about bringing civilisation and liberal values to the peoples of the Global South (Kahlina and Ristivoječić 2015).

Queer theory offers useful insights here. 'Gay conditionality' sets up a simplistic binary between the West and the rest, modern, civilised, liberal values and outdated, barbaric homophobia. Yet, scholars of the Global South note the irony in the fact that in many former colonised states, laws banning homosexuality were drawn up by the very same powers of the Global North that are now trying to force their retraction (Chankia et al. 2013). For example, while institutionalised homophobia in some African states is frequently presented as the result of traditional and cultural values that date back centuries, present day attitudes towards sexuality were heavily influenced and shaped by Christianity as preached by colonial missionaries. Gay conditionality could be seen as one example in a long history of states of the Global North violating Southern states' sovereignty by attempting to impose policies and legislation, change attitudes and social norms, this time as a condition of aid that they can ill afford to forego (Velasco 2019).

Despite the Global North's claims to be protecting the rights of minority groups, when LGBTQ+ people from states in the Global South seek safety from persecution in the Global North, they rarely meet with success. For example, in the UK in 2009, some 73 per cent of all claims by asylum seekers for any reason were rejected at the initial decision-making stage, but for claims made by lesbians and gay men who were claiming fear of persecution in their own states on the grounds of sexuality, the rejection rate at the initial stage was between 98–99 per cent (Giametta 2017). Again, this challenges simplistic binaries that see the Global North as a safe and tolerant place for LGBTQ+ people to be, free from the danger and intolerance of the South.

Unlike those applying for asylum because of their ethnicity, religion or political views, LGBTQ+ asylum seekers face a double burden of proof. First, they must prove to their host state that LGBTQ+ people as a group are not safe in their home state and second, they must prove that they themselves are a member of that group. This process can be extremely invasive and can expose them to institutionalised homophobia and ignorance about LGBTQ+ identities. In the United States, there are documented cases where immigration judges initially denied the asylum applications of gay men because they did not seem effeminate. Others were asked to provide letters of testimony from former lovers, even though the lovers were still living in a state where homosexuality is a crime – and so to write such a letter would put them at risk (Gross 2018). Often, the fact of having lived their life up until now in a state where homosexuality is illegal means that LGBTQ+ asylum seekers have little evidence of their sexual orientation to support their application as they (to borrow a common term) lived 'in the closet'. Similarly, if a trans person has lived their entire life in a state where trans people are persecuted, they are very unlikely to have transitioned and be able to show 'evidence' of their gender identity.

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While acceptance rates for gay men and lesbian women's asylum applications are low, acceptance rates for bisexual people's asylum claims are even lower. Here again, institutionalised homophobia and misconceptions about bisexuality result in a lack of understanding of the experiences of this group and the dangers they face. A bisexual asylum seeker might have lived as heterosexual until now to avoid the dangers that 'coming out' as bisexual might cause them in their home state. In moving to a new state to finally live in their true identity, by definition, they have no evidence either of their sexual orientation, or of the persecution they have faced at home. There is also a perception that they can easily return to their own states and continue to live as heterosexuals, ignoring the trauma that this would cause them and the danger they would face if their true identity was discovered. Some bisexual asylum seekers therefore choose to apply for asylum as gay or lesbian, however they then face the consequence that if they do gain permission to remain in their chosen new home, should they ever wish to marry a member of the opposite sex in future, they could be arrested for fraud and deported (Gross 2018).

Lesbian and bisexual women are particularly disadvantaged by needing to prove their sexuality during an asylum claim because the persecution they face is so often in the private domain. Again, the public/private binary is important here. While the typical image of persecution is of someone being harassed in public or threatened with arrest, in many of the contexts around the world where homosexuality is illegal, conservative social norms also confine women to the domestic sphere as has been outlined earlier. The danger to them then is not from the state, but rather from their husband or family members who may act violently if they discover their sexual orientation. These women will have little evidence to show of the dangers they have faced, other than in their own memories and retellings. The same states that preach LGBTQ+ equality on an international level regularly deport these women to states where they risk death because they fail to understand the persecution they might face in the private sphere because of their sexuality.

Here, analysing events from a queer theory or postcolonial perspective, and looking beyond simplistic binaries such as modern/traditional, safe/unsafe and public/private, allows us to see how the claims of states in the Global North to be promoting LGBTQ+ rights around the world can serve to mask those same states' violations of the rights of LGBTQ+ people from the Global South.

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